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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,209	10/27/2000	Takefumi Nagumo	450100-02802	8273

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT PAPER NUMBER

2613

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/699,209	Applicant(s) NAGUMO ET AL.	
	Examiner Andy S. Rao	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/04 has been entered.
2. Applicant's arguments with respect to claims 1-28 as filed on 7/6/04 have been considered but are moot in view of the new ground(s) of rejection based on newly cited portions of the previously applied references addressing the newly added limitations.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Negishi.

Negishi discloses a signal processing device for multiplexing first and second bit streams, each of said first and second bit streams being formatted in accordance with a different standard (Negishi: column 1, lines 23-28: MPEG1 and MPEG2), comprising: a dividing means for dividing said second bit stream into predetermined access (Negishi: column 5, lines 60-65) units (Negishi: column 3, lines 10-25); an adding means for adding a start code (Negishi: column 3, lines 25-35) in a format corresponding to the standard of the first bit stream (Negishi: column 3, lines 3-7) to each of said access units (Negishi: column 7, lines 45-49) obtained by dividing said second bit stream (Negishi: column 5, lines 45-55); and a multiplexing means for defining a user operable region in an access unit said first bit stream and multiplexing and recording at least a part of said second bit stream on said user operable region (Negishi: column 8, lines 45-60), as in claim 1.

Regarding claim 2, Negishi discloses that start code includes time information (Negishi: column 3, lines 215-35; column 6, lines 15-23), as claimed.

Regarding claim 3, Negishi discloses that the time information is the display time or decoding time (Negishi: column 5, lines 35-40), as in the claim.

Regarding claim 4, Negishi disclose that the dividing means divides said bit stream into units if frames or those of a plurality of frames (Negishi: column 1, lines 34-59), as in the claim.

Negishi discloses a signal processing method for multiplexing first and second bit streams, each of said first and second bit streams being formatted in accordance with a different

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standard (Negishi: column 1, lines 22-28), comprising: a dividing step for dividing said second bit stream into predetermined access (Negishi: column 5, lines 60-65) units (Negishi: column 3, lines 10-25); an adding step for adding a start code (Negishi: column 3, lines 25-35) in a format corresponding to the standard of the first bit stream (Negishi: column 3, lines 3-7) to each of said access units (Negishi: column 7, line s5-49) obtained by dividing said second bit stream (Negishi: column 5, lines 45-55); and a multiplexing step for defining a user operable region in an access unit said first bit stream and multiplexing and recording at least a part of said second bit stream on said user operable region (Negishi: column 8, lines 45-60), as in claim 5.

Regarding claim 6, Negishi discloses that start code includes time information (Negishi: column 3, lines 15-35; column 6, lines 15-23), as claimed.

Regarding claim 7, Negishi discloses that the time information is the display time or decoding time (Negishi: column 5, lines 35-40), as in the claim.

Regarding claim 8, Negishi disclose that the dividing means divides said bit stream into units if frames or those of a plurality of frames (Negishi: column 1, lines 34-59), as in the claim.

Negishi discloses a recording medium for storing a program for multiplexing first and second bit streams (Negishi: column 8, lines 20-40), each of said first and second bit streams being formatted in accordance with a different standard (Negishi: column 1, lines 22-28), comprising: a dividing step for dividing said second bit stream into predetermined access (Negishi: column 5, lines 60-65) units (Negishi: column 3, lines 10-25); an adding step for adding a start code (Negishi: column 3, lines 25-35) in a format corresponding to the standard of the first bit stream (Negishi: column 3, lines 3-7) to each of said access units (Negishi: column 7, line s5-49) obtained by dividing said second bit stream (Negishi: column 5, lines 45-55); and a

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multiplexing step for defining a user operable region in an access unit said first bit stream and multiplexing and recording at least a part of said second bit stream on said user operable region (Negishi: column 8, lines 45-60), as in claim 9.

Regarding claim 10, Negishi disclose that the dividing means divides said bit stream into units if frames or those of a plurality of frames (Negishi: column 1, lines 34-59), as in the claim.

Negishi discloses a decoding device adapted to decode a multiplexed bit stream (Negishi: column 1, lines 30-60), conforming to a first standard (Negishi: column 1, lines 22-28), comprising: a means for detecting the user operable region in an access unit said in said multiplexed bit stream (Negishi: column 8, lines 45-60) and extracting the data contained in said user operable region (Negishi: column 6, lines 10-23); a converting means for conducting a predetermined converting operation on said data contained in said user operable region and restoring the second bit stream (Negishi: column 1, lines 50-60; column 3, lines 10-25) conforming to a second standard different from said first standard format (Negishi: column 1, lines 45-50), said second bit stream also conforming to a syntax of said first standard format (Negishi: column 3, lines 3-6); and a decoding means for decoding said first bit stream contained in said multiplexed bit stream except said user operable region and said second bit stream (Negishi: column 2, lines 1-35), means for as in claim 11.

Negishi discloses a decoding method adapted to decode a multiplexed bit stream (Negishi: column 1, lines 30-60), conforming to a first standard (Negishi: column 1, lines 22-28), comprising: a step for detecting the user operable region in an access unit said in said multiplexed bit stream (Negishi: column 8, lines 45-60) and extracting the data contained in said user operable region (Negishi: column 6, lines 10-23); a converting step for conducting a

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predetermined converting operation on said data contained in said user operable region and restoring the second bit stream (Negishi: column 1, lines 50-60; column 3, lines 10-25) conforming to a second standard different from said first standard format (Negishi: column 1, lines 45-50), said second bit stream also conforming to a syntax of said first standard format (Negishi: column 3, lines 3-6); and a decoding step for decoding said first bit stream contained in said multiplexed bit stream except said user operable region and said second bit stream (Negishi: column 2, lines 1-35), means for as in claim 12.

Negishi discloses a recording medium storing a program for decoding a multiplexed bit stream (Negishi: column 1, lines 30-60), conforming to a first standard (Negishi: column 1, lines 22-28), said program comprising: a step for detecting the user operable region in an access unit said in said multiplexed bit stream (Negishi: column 8, lines 45-60) and extracting the data contained in said user operable region (Negishi: column 6, lines 10-23); a converting step for conducting a predetermined converting operation on said data contained in said user operable region and restoring the second bit stream (Negishi: column 1, lines 50-60; column 3, lines 10-25) conforming to a second standard different from said first standard format (Negishi: column 1, lines 45-50), said second bit stream also conforming to a syntax of said first standard format (Negishi: column 3, lines 3-6); and a decoding step for decoding said first bit stream contained in said multiplexed bit stream except said user operable region and said second bit stream (Negishi: column 2, lines 1-35), means for as in claim 13.

Regarding claim 14, Negishi discloses that the units of said second bits stream conform to a syntax of said first bit stream (Negishi: column 3, lines 3-60), as in the claim.

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Regarding claim 15, Negishi discloses that the units of said second bit stream cannot be processed by a processor processing said first bit stream (Negishi: column 1, lines 20-30: MPEG1 processors cannot decode MPEG2 streams), as in the claims.

Regarding claims 16-18, Negishi discloses that the first bit stream is MPEG2 (Negishi: column 3, lines 3-6), as in the claims.

Regarding claim 19, Negishi discloses that the units of said second bits stream conform to a syntax of said first bit stream (Negishi: column 3, lines 3-60), as in the claim.

Regarding claim 20, Negishi discloses that the units of said second bit stream cannot be processed by a processor processing said first bit stream (Negishi: column 1, lines 20-30: MPEG1 processors cannot decode MPEG2 streams), as in the claims.

Regarding claims 21-23, Negishi discloses that the first bit stream is MPEG2 (Negishi: column 3, lines 3-6), as in the claims.

Regarding claim 24, Negishi discloses that the units of said second bits stream conform to a syntax of said first bit stream (Negishi: column 3, lines 3-60), as in the claim.

Regarding claim 25, Negishi discloses that the units of said second bit stream cannot be processed by a processor processing said first bit stream (Negishi: column 1, lines 20-30: MPEG1 processors cannot decode MPEG2 streams), as in the claims.

Regarding claims 26-28, Negishi discloses that the first bit stream is MPEG2 (Negishi: column 3, lines 3-6), as in the claims.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
Primary Examiner
Art Unit 2613

asr
December 20, 2004

ANDY RAO
PRIMARY EXAMINER

